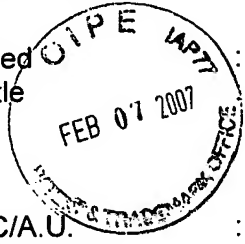


AF 90

Appl. No. : 10/752,652
Confirmation No. : 4091
Applicant : Barry G. Anderson, et al.

I, Mary A. Hietpas, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Filed : January 7, 2004
Title : MEDICAL SUCTION
APPARATUS AND METHODS
FOR DRAINING SAME



Mary A. Hietpas
Signature
February 2, 2007
Date of Signature

TC/A.U. : 3761
Examiner : Catharine L. Anderson

Docket No. : 015005-9450-00

Customer No. : 023409

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND INTERVIEW SUMMARY

Dear Sir:

This communication responds to the Office Action mailed December 4, 2006, and is filed within the three-month period for response. Please charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of fees required for this Response.

TO :

FROM :

PROSECUTOR, UNITED STATES PATENT AND TRADEMARK OFFICE

INTERVIEW SUMMARY

This Interview Summary is further to the telephone Interview between Julie A. Haut and Examiner C. Lynne Anderson on December 28, 2006. During the Interview, the claimed subject matter was discussed to clarify that the claims are directed to a medical device that drained a suction canister and that parts of the suction canister are not a part of the medical device. The difference between a liner-type suction canister and a rigid-walled suction canister was also clarified. U.S. Patent No. 5,931,822 ("Bemis") was also discussed with respect to the clarification of a medical device and a suction canister and the meaning of drainhead and swingarm as used in the claims. No particular agreement was reached with respect to the claims.

REMARKS

Claims 1-21 are currently pending in the application. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected Claims 1-21 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,931,822 ("Bemis").

Bemis does not disclose the subject matter of independent Claim 1. Specifically, Bemis does not disclose a medical device for draining a liner-type suction canister, the device including a swingarm coupled to the housing, the swingarm movable between a first position and a second position and a support member on the swingarm for supporting the liner-type suction canister. Rather, Bemis discloses a cleaning station 400 for draining and cleaning a suction canister 14. The station 400 includes support posts 456, 460 and a holding bracket 464 on each of the support posts 456, 460. The station 400 further includes a housing 484, 488 vertically moveable relative to the support posts 456, 460. The holding bracket 464 is on the support posts 456, 460 and is not coupled to any part of the housing 484, 488. Therefore, the station 400 does not include a swingarm nor a support member on the swingarm.

For at least these reasons, Bemis does not disclose the subject matter of independent Claim 1. Accordingly, Claim 1 is allowable. Claims 2-13 depend from Claim 1, and are allowable for at least the reasons Claim 1 is allowable.

Bemis does not disclose the subject matter of independent Claim 14. Specifically, Bemis does not disclose a medical device for draining the fluid contained in a liner-type suction canister, the device including a swingarm having thereon a support member adapted to support the liner-type suction canister, the swingarm moveable between a first and a second position. As discussed above with respect to Claim 1, the station 400 of Bemis does not include a swingarm nor a support member on the swingarm. Accordingly, independent Claim 14 is allowable. Claims 15-16 depend from Claim 14, and are allowable for at least the reasons Claim 14 is allowable.

Bemis does not disclose the subject matter of independent Claim 17. Specifically, Bemis does not disclose a medical device for draining fluid contained in a liner-type suction canister, the device including a swingarm coupled to the housing, the swingarm movable between a first position and a second position, the swingarm including a support member adapted to support the liner-type suction canister and a drainhead having therein a passageway, the drainhead adapted to engage the cover of the liner-type suction canister to

permit fluid to drain from the liner-type suction canister through the drainhead to the housing. As discussed above with respect to Claim 1, the station 400 of Bemis does not include a swingarm nor a support member on the swingarm. Accordingly, independent Claim 17 is allowable.

Bemis does not disclose the subject matter of independent Claim 18. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device and rotating the swingarm with the liner-type suction canister thereon. The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. Accordingly, independent Claim 18 is allowable.

Bemis does not disclose the subject matter of independent Claim 19. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device and rotating the swingarm with the liner-type suction canister thereon. The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. Accordingly, independent Claim 19 is allowable.

Bemis does not disclose the subject matter of independent Claim 20. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device when the swingarm is in a first position and rotating the swingarm from its first position to a second position. The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. Accordingly, independent Claim 20 is allowable. Claim 21 depends from Claim 20, and is therefore allowable for at least the reasons Claim 20 is allowable.

Double Patenting

The Examiner rejected Claims 1 and 14-21 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 21-23 of U.S. Patent No. 6,626,877.

Applicants submitted a terminal disclaimer to address this rejection in the response to the previous Office Action.

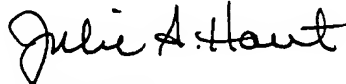
The Examiner also provisionally rejected Claims 1-21 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-20 of pending U.S. Patent Application Serial No. 10/834,594.

Applicants have noted this rejection as it is only provisional at this time.

CONCLUSION

In view of the foregoing, allowance of Claims 1-21 is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in cursive script, reading "Julie A. Haut".

Julie A. Haut
Reg. No. 51,789

Docket No. 015005-9450-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560

T:\CLIENTA\015005\9450\A1896927.1